

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL PONTING and JUDY WONG,

No. C 12-06442 WHA

Plaintiffs,

v.

LOWE'S HIW, INC.,

Defendant.

**ORDER RE PRETRIAL AND
JURY TRIAL DATES,
OBJECTIONS TO PLAINTIFF'S
PRETRIAL DISCLOSURES, AND
REFERRING TO MAGISTRATE
JUDGE FOR SETTLEMENT**

As explained at the scheduling conference, defendant's objections to plaintiff's pretrial disclosures are **SUSTAINED IN PART** and **OVERRULED IN PART**. Because he lacked good cause in failing to timely disclose, plaintiff is precluded from relying on or using any of the eighteen witnesses listed by defendant at Docket Number 32 at trial *except* for Ian Ponting. Plaintiff must make Ian Ponting available for a three-hour deposition by defendant on June 9, 2014, at 9:00 a.m., at the office of defendant's counsel. The parties, however, may agree in writing to do Ian Ponting's deposition at another time and place. Defendant is entitled to any reasonable attorney's fees and costs incurred by taking Ian Ponting's deposition. Defendant's objections to the four trial exhibits listed at Docket Number 32 on the basis of untimeliness are **OVERRULED**. It may, however, depose **ONE** expert associated with the exhibits at issue and may not recover any attorney's fees or costs associated with that deposition.

The final pretrial conference shall be at **9:00 A.M. on JULY 30, 2014**. A **JURY TRIAL** shall begin on **AUGUST 4, 2014, AT 7:30 A.M.**, in Courtroom 8, 19th Floor, 450 Golden Gate Avenue, San Francisco, California, 94102. The trial schedule and time limits shall be set at the final

1 pretrial conference. Although almost all trials proceed on the date scheduled, it may be
2 necessary on occasion for a case to trail, meaning the trial may commence a few days or even a
3 few weeks after the date stated above, due to calendar congestion and the need to give priority to
4 criminal trials. Counsel and the parties should plan accordingly, including advising witnesses.

5 This matter is hereby **REFERRED TO MAGISTRATE JUDGE DONNA RYU FOR**
6 **MEDIATION/SETTLEMENT.**

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8 **IT IS SO ORDERED.**

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10 Dated: May 22, 2014.

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12 WILLIAM A. SUP
13 UNITED STATES DISTRICT JUDGE
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